

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.2648 OF 2006

Laxman Baburao Shinde ... Petitioner

V/s.

The Deputy Superintendent of ... Respondents
Prisons, Yerwada Central Prison,
Pune & Anr.

Mr. I. M. Koparkar for the petitioner.

Mr. M. S. Mhambre, APP for the State.

**CORAM : SMT. RANJANA DESAI &
 ANOO V. MOHTA, JJ.**

DATED : 22nd February, 2007

P.C.

The petitioner, a convict, is in jail since 1997. He is undergoing life imprisonment in Yerwada Central Prison, Pune. The petitioner averred in earlier Writ Petition No. 1721 of 2006 that he is suffering from AIDS and for his illness he was not getting proper medical treatment by the Jail Authority.

2. By order dated 25/08/2006 in the said Writ Petition, a Division Bench of this Court has directed to refer the petitioner to Sasoon Central Hospital at Pune for examination and treatment for the said

diseased.

3. By the present Writ Petition, the petitioner has prayed to implement the above order dated 25/08/2006 and to give the proper treatment.

4. After hearing the learned counsel for the petitioner, this Bench has directed the respondent to file an affidavit to meet the allegations made by the petitioner against the hospital. By an affidavit dated 15th February, 2007 the Associate Professor of Medicine, B.J. Medical College, Pune has replied as under:-

. "However, he was not sent for investigations on the day of appointment by the Prison Authorities. Since then, he is coming for his complaints like bleeding piles, itching all over body and he has always been examined by various specialist doctors from surgery, medicine, dermatology, orthopedics, dentistry, medical officer at A.R.T. Centre, etc. and proper treatment for his abovementioned illnesses has been given accordingly alongwith prophylactic (preventive) treatment for opportunistic infections i. e. Ciplin DS and Forcan.

. I further say that the petitioner's CD4 count was done on 08/02/2007 and is reported to be 253. According to World Health Organisation guidelines,

CD4 count less than 200 is an indication for starting treatment irrespective of clinical staging. Hereto annexed and marked as "Exhibit C" is the extract of page No.24 i.e. criteria for starting A.R.T. (Anti Retroviral) Therapy in adolescents and adults as per the guidelines issued by National AIDS Control Organization, Ministry of Health and Family Welfare, Government of India. He therefore, at present, does not require Anti Retroviral Therapy. However, he will be called every month for medical check-up and CD4 count will be done monthly to decide about initiation of A.R.T. (Anti Retroviral Therapy).

. I further say that the Anti Retroviral Therapy for patients suffering from AIDS is available at A.R.T. (Anti Retroviral Therapy) Centre at Sasoon General Hospital, Pune and facilities for hospitalization and treatment of various opportunistic infections seen in patients suffering from HIV infection/AIDS is also available at Sasoon General Hospital, Pune."

5. After considering the above, we see that the order dated 25/08/2006 passed by the Division Bench of this Court, has been duly complied with. The concerned hospital has taken all necessary steps and gave proper medical treatment as required from time to time.

6. In view of this, there is no substance in the petition. The petition is disposed of accordingly.

[SMT.RANJANA DESAI, J.]

[ANOO P V. MOHTA, J.]